

Comcraft, Inc. and Communications Workers of America, Local 9503, AFL-CIO. Case 31-CA-20519

July 19, 1996

SUPPLEMENTAL DECISION AND ORDER

BY CHAIRMAN GOULD AND MEMBERS BROWNING
AND FOX

On May 22, 1995, the National Labor Relations Board issued a Decision and Order,¹ *inter alia*, ordering the Respondent, Comcraft, Inc., to make whole certain of its unit employees for loss of earnings and other benefits resulting from the discrimination against them in violation of Section 8(a)(3) and (1) of the National Labor Relations Act. On March 4, 1996, the United States Court of Appeals for the Ninth Circuit entered its judgment enforcing the Board's Order in full.

A controversy having arisen over the amount of backpay due the discriminatees, on April 11, 1996, the Regional Director for Region 31 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated May 10, 1996, the Region advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by May 17, 1996, summary judgment would be sought. The Respondent filed no answer.

On June 17, 1996, the General Counsel filed with the Board a Motion for Summary Judgment, with exhibits attached. On June 20, 1996, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

¹ 317 NLRB 550 (1995).

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net backpay due the discriminatees is as stated in the compliance specification and we will order payment by the Respondent of the amounts to the discriminatees, plus interest accrued on the amounts to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Comcraft, Inc., Los Angeles and Northridge, California, its officers, agents, successors, and assigns, shall make whole the individuals named below by paying them the amounts following their names, plus interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and state laws:

Herndon Greene	\$16,945.10
Johnny Pitts	13,818.85
TOTAL	\$30,763.95